

1 MCDERMOTT WILL & EMERY LLP
2 WILLIAM G. GAEDE, III (136184)
3 wgaede@mwe.com
4 ANDREW A. KUMAMOTO (178541)
5 akumamoto@mwe.com
6 SHANE SMITH (272630)
sgsmith@mwe.com
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
Telephone: (650) 815-7400
Facsimile: (650) 815-7401

7 Attorneys for *Genomic Health, Inc.*

8 WILMER CUTLER PICKERING HALE AND DORR LLP
9 MARK D. FLANAGAN (130303)
Mark.Flanagan@wilmerhale.com
10 RUSSELL S. TONKOVICH (233280)
Russell.Tonkovich@wilmerhale.com
11 950 Page Mill Road
12 Palo Alto, California 94304
Telephone: (650) 858-6000
13 Facsimile: (650) 858-6100

14 Attorneys for *Incyte Corporation*

15 IN THE UNITED STATES DISTRICT COURT

16 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 GENOMIC HEALTH, INC.,
19 Plaintiff and Counter-Defendant,
20 v.
21 INCYTE CORPORATION,
22 Defendant and Counter-Claimant.

No. 10-CV-03643 JSW

**STIPULATION TO MODIFY BRIEFING
SCHEDULE ON DEFENDANT'S MOTION TO
DISMISS AND ON PLAINTIFF'S MOTION TO
AMEND; AND ~~PROPOSED~~ ORDER
THEREON**

Date: June 3, 2011
Time: 9:00 a.m.
Courtroom 11, 19th Floor

Hon. Jeffrey S. White

WHEREAS, the hearing on Defendant's Motion to Dismiss and on Plaintiff's Motion to Amend its answer and reply to counterclaims is set for June 3, 2011;

WHEREAS, the parties' oppositions and replies to the above-referenced motions are due April 15 and April 22, respectively.

WHEREAS, the parties have negotiated a settlement through Judge Edward Infante, (Ret), at JAMS and are in the process of preparing a settlement agreement to memorialize fully its terms;

WHEREAS, counsel for parties have agreed to modify the briefing schedule for the parties' pending motions to allow the parties to complete their negotiated settlement.

IT IS HEREBY STIPULATED AND REQUESTED, by and between the parties hereto, through their respective counsel, as follows:

1. The oppositions to the parties' pending motions shall be filed no later than May 13, 2011;

2. The reply briefs to the parties' pending motions shall be filed no later than May 20, 2011;

SO STIPULATED this 12th day of April 2011.

MCDERMOTT WILL & EMERY LLP

By: /s/ William G. Gaede, III
William G. Gaede, III

Attorneys for Genomic Health, Inc.

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: /s/ Mark D. Flanagan
Mark D. Flanagan

Attorneys for Incyte Corporation

-oOo-

SIGNATURE ATTESTATION

Pursuant to General Order 45.X(B), I hereby attest that concurrence has been obtained from Mark D. Flanagan indicated by a “conformed” signature (/s/) within this e-filed document.

/s/ William G. Gaede, III

William G. Gaede, III

-oOo-

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: April 13, 2011


HONORABLE JEFFREY S. WHITE
United States District Court Judge